



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645

512-804-4000 telephone • 512-804-4811 fax • [www.tdi.texas.gov](http://www.tdi.texas.gov)

## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

#### **Requestor Name and Address**

DOCTORS HOSPITAL AT RENAISSANCE  
P O BOX 9705  
MCALLEN TX 78502

#### **Respondent Name**

ARCH INSURANCE CO

#### **Carrier's Austin Representative Box**

#19

#### **MFDR Tracking Number**

M4-11-4905-01

#### **MFDR Date Received**

AUGUST 23, 2011

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "Labor Code 134.403 and contract."

**Amount in Dispute:** \$4,783.30

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** "This is a medical fee dispute concerning service dates August 23, 2011 to August 25, 2011. Requestor billed a total of \$55,026.03. Carrier has issued reimbursement in the amount of \$37,020.72. Carrier asserts that it has properly calculated the reimbursement in this case. Carrier has, however, initiated a third review of the bill and will supplement this response with the results of that audit."

**Response Submitted by:** Flahive Ogden & Latson

### **SUMMARY OF FINDINGS**

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
August 23, 2010 Through August 25, 2010	Inpatient Hospital Surgical Services	\$4,783.30	\$4,783.30

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

#### **Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving a medical fee dispute.
2. 28 Texas Administrative Code §134.404 sets out the guidelines for reimbursement of hospital facility fees for inpatient services.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
  - 45 – (45) CHARGE EXCEEDS FEE SCHEDULE/MAXIMUM ALLOWABLE OR CONTRACTED/LEGISLATED FEE ARRANGEMENT.
  - 45 – (45) THIS LINE WAS INCLUDED IN THE RECONSIDERATION OF THIS PREVIOUSLY REVIEWED BILL.

- BL – THIS BILL IS A RECONSIDERATION OF A PREVIOUSLY REVIEWED BILL, ALLOWANCE AMOUNTS DO NOT REFLECT PREVIOUS PAYMENTS.
- BL – TO AVOID DUPLICATE BILL DENIAL FOR ALL RECON/ADJUSTMENTS/ADDITIONAL PYMNT SUBMIT A COPY OF THIS EOR OR CLEAR NOTATION THAT

### **Issues**

1. Was the workers' compensation insurance carrier entitled to pay the health care provider at a contracted rate?
2. Which reimbursement calculation applies to the services in dispute?
3. What is the maximum allowable reimbursement for the services in dispute?
4. Is the requestor entitled to additional reimbursement for the disputed services?

### **Findings**

1. On March 13, 2013 the division requested a copy of the written notification to the health care provider pursuant to 28 TAC §133.4. Although some contract information was provided by the carrier, no documentation was provided to support that the carrier and respondent in this dispute **notified** the health care provider as required by rule §133.4. Specifically, the carrier failed to support that notice containing the information stated in paragraphs (d)(1), (2)(A) and (2)(B) was made; and it failed to support that that the notice was made timely pursuant to section (f). The division concludes: (1) that the carrier is not entitled to pay the requestor at a contracted fee pursuant to 28 TAC 133.4 (g); and (2) that the division fee guidelines apply pursuant to 28 TAC 133.4 (h).
2. 28 Texas Administrative Code §134.404(e) states that: "Except as provided in subsection (h) of this section, regardless of billed amount, reimbursement shall be:
  - (1) the amount for the service that is included in a specific fee schedule set in a contract that complies with the requirements of Labor Code §413.011; or
  - (2) if no contracted fee schedule exists that complies with Labor Code §413.011, the maximum allowable reimbursement (MAR) amount under subsection (f) of this section, including any applicable outlier payment amounts and reimbursement for implantables."

The carrier failed to support that a contracted rate applies; therefore the MAR can be established under §134.404(f).

3. §134.404(f) states that "The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors as published annually in the Federal Register. The following minimal modifications shall be applied.
  - (1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:
    - (A) 143 percent; unless
    - (B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 108 percent."

No documentation was found to support that the facility requested separate reimbursement for implantables; for that reason the MAR is calculated according to §134.404(f)(1)(A).

4. §134.404(f)(1)(A) establishes MAR by multiplying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors (including outliers) by 143%. Information regarding the calculation of Medicare IPPS payment rates may be found at <http://www.cms.gov>. Documentation found supports that the DRG assigned to the services in dispute is DRG 460, and that the services were provided at Doctors Hospital at Renaissance. Consideration of the DRG, location of the services, and bill-specific information results in a total Medicare facility specific allowable amount of \$31,006.41. This amount multiplied by 143% results in a MAR of \$44,339.17.
5. The division concludes that the total allowable reimbursement for the services in dispute is \$44,339.17. The respondent issued payment in the amount of \$37,020.72. Based upon the total allowable, payments made by the carrier, the documentation submitted, and the table of disputed services, additional reimbursement in the amount of \$4,783.30 is recommended.

### **Conclusion**

For the reasons stated above, the division finds that the requestor has established that additional reimbursement in the amount of \$4,783.30 is due.

## ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$4,783.30 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

### Authorized Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

\_\_\_\_\_  
March 25, 2013  
Date

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.**

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**